

Mr Rynd Smith  
The Planning Inspectorate  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN



26<sup>th</sup> April 2022

Dear Mr Smith,

**RE: Application for an award of costs against London Resort Company Holdings Limited regarding an Application for an Order Granting Development Consent for the London Resort**

We write in response to the Examining Authority's letter dated 29 March 2022 and Section 51 advice issued on 5<sup>th</sup> April 2022, Kent Wildlife Trust is writing to confirm that we wish to apply for a costs award for work undertaken in relation to this DCO application. Kent Wildlife Trust sought to engage with this application during the pre-application and pre-examination stages up until its withdrawal. During this time, we raised significant concerns and sought consultation with the Applicant, to which we did not receive a response. This body of work included significant preparatory work so as to be ready to fully participate in the examination.

In meeting our charitable aims to conserve and enhance Kent's wildlife, Kent Wildlife Trust allocates limited core funding to planning and development issues. As our resource for this area of work is limited we must operate a strict prioritisation system according to the scale of impact to wildlife. On the basis that, if approved, the London Resort proposal would have resulted in one of the greatest losses of SSSI that the UK has ever seen, we found it necessary to dedicate significant time and resource to engage fully with the application. Consequently, this resulted in resources being diverted away from our work engaging with county and local planning issues and with our wider strategic aims.

In referring to guidance for '[Awards of costs: examinations of applications for development consents orders](#)' it is Kent Wildlife Trust's view that the London Resort Company Holdings acted unreasonably and did not follow good practice. Despite Kent Wildlife Trust being included in the Schedule of Consultation as a monthly consultee, the Applicant failed to undertake any such consultation. Despite an email sent by Buglife on behalf of Kent Wildlife Trust, The RSPB and CPRE Kent on the 12<sup>th</sup> April 2021 expressing our willingness to meet with the Applicant, no attempt was made to consult with any of our organisations. Consequently, the scheme presented within the updated documents submitted in March 2022 was significantly different to that which we had previously been consulted on, with respect to proposed mitigation and compensation, and thus required significant reassessment of the application documents. The suite of documents submitted in March 2022 was incomplete and a number of key documents were not submitted in line with the submission timeline. This, in combination with the Applicants own assertion that their initial application lacked sufficient detail further highlight a failure to act reasonably, resulted in significant duplication of effort for Interested Parties preparing for the examination process.

Further, the repeated requests for extension and ongoing uncertainty resulted in resource allocation to responding to procedural matters which are relevant only to that application. In addition, the decision by the Applicant to withdraw their application at the last minute resulted in significant time wasted in preparing for the Preliminary Meeting (PM) and for the Examination which was expected to start immediately following the PM.

On the basis of the above, Kent Wildlife Trust has incurred wasted expense during the pre-examination stage. The ExA highlighted the Atlantic Array case, where applications for costs were made following a withdrawal at the pre-examination stage. It is noted that these costs relate to costs arising from proposed



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compulsory acquisitions of land, however Kent Wildlife Trust considers that LRCH's untimely and prolonged application warrants consideration for an award of costs.

As a result, Kent Wildlife Trust would like to apply for the following costs. We have calculated the costs to the charity for staff time incurred during the pre-examination stage to equate to approximately £4384. We acknowledge that it is likely that some aspects of our engagement with the withdrawn application will be relevant to any new application that the Applicant brings forward. However, on the basis that we have assessed that the below represents a considerable underestimate of resources taken up by our engagement with this project, including the carrying out of site visits, we consider that we are justified in claiming these costs in full.

- Preparation of the adequacy of consultation letter dated 15th January 2021 = £548
- Review of original submitted documents from 28th January 2021 = £1507
- Preparation of written representations (March 2021) = £411
- Response to extension request and subsequent approval letter 12th May 2021 = £205
- Meetings, representations and review of materials to produce 10th January letter and 24th January letters responding to PINS procedural letter dated 21st December 2021 = £274
- Review of updated and submitted documents uploaded 17th March = £1028
- Preparation for Preliminary Meeting and to engage with the expected examination = £411

Thank you for providing us with the opportunity to respond to the ongoing delays of the examination. We would be happy to provide more expansive answers to the above if the Examining Authority would find it useful

Yours sincerely,  
**Nicky Britton-Williams**  
Senior Wilder Towns Officer  
Kent Wildlife Trust